

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VINCENT DOAN,	:	
	:	
Petitioner,	:	
v.	:	Case No. 00-CV-727
	:	
HAROLD CARTER, WARDEN,	:	JUDGE BECKWITH
	:	
Respondent.	:	MAGISTRATE JUDGE HOGAN

**MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATION**

Now comes Vincent Doan, Petitioner, and hereby moves this Court for an extension of time to file objections to the Magistrate's Report and Recommendation. The reasons for this request are more fully stated in the attached memorandum in support.

Respectfully submitted,

/s/Kort Gatterdam
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Counsel for Petitioner

MEMORANDUM IN SUPPORT

On December 31, 2000, Petitioner filed a Petition for Writ of Habeas Corpus asserting thirteen grounds for relief. This case has been the subject of extensive briefing on the issues of exhaustion of remedies and discovery. The parties also filed lengthy briefs on the merits of the thirteen grounds raised in the petition. On December 18, 2004, this Court issued a report and recommendation on the matter. The report and recommendation was received by counsel on December 20, 2004 through the Court's electronic filing. Therefore objections are due on December 30, 2004. F.R.C.P. 72(b)

Petitioner requests an extension of thirty days to file objections. This Court's opinion is 109 pages and is very detailed. This is a lengthy case that was a capital case at trial. Counsel for Petitioner will need additional time to review the record, review the cases cited by the Magistrate, and to prepare specific objections for the District Court's consideration. Given the length of the case and the holiday season, Counsel for Petitioner is unable to complete objections by December 30, 2004.

Counsel for Respondent has no objection to Petitioner's request.

For all the foregoing reasons, Petitioner asks this Court for an extension of thirty days, to January 31, 2005, to file objections to the Magistrate's Report and Recommendation.

Respectfully submitted,

/s/Kort Gatterdam
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Objections to the Magistrate's Report and Recommendation was served by clerk's electronic filing e-mail upon Stuart Cole, Assistant Ohio Attorney General, on the 22nd day of December, 2004.

/s/Kort Gatterdam

Kort Gatterdam